

Mr. WYDEN. Reserving the right to object, I am very hopeful I will not have to object in a couple minutes. And just a couple of matters have to be resolved. I think we can do it quickly.

Mr. LOTT. Is there objection?

The PRESIDING OFFICER. There is objection.

Mr. LOTT. Thank you. I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I would like to continue.

#### ISTEA

Mr. WARNER. Equity for the donor States. "Donor States" is a category created by ISTEA I. We never actually heard that term prior to ISTEA I. But generally speaking, what it represented was as a consequence of ISTEA I, a group of States, about 18 to 20 in number. Some were right on the borderline. Those States, when their citizens or visitors in those States went to the gas pump and paid this very significant Federal gas tax, those 19 States got back a very small amount in comparison to other States whose return, as a consequence of ISTEA, was far higher.

My State got 79 cents on what we called the apportionment dollar that comes back from the highway trust fund; other States had equally. Several had less than my State. And that was basically an unfairness to the citizens of that State, that those moneys that they expended in a Federal tax, and which was represented as to be for the purpose of highways, did not come back in what I believe was a fair formula.

So the foundation in this bill was to change that inequity such that that class of donor States received no less than 90.5 percent.

Mr. REID. Would my friend yield for a unanimous consent request?

Mr. WARNER. Yes.

Mr. REID. I appreciate it very much. I am sorry to interrupt.

#### PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Drew Willison, a congressional fellow in my office, be allowed privileges of the floor during the debate on this conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ISTEA

Mr. COVERDELL. Will the Senator yield?

Mr. WARNER. Yes.

Mr. COVERDELL. With regard to this question of donor States, the two States that were the most—if that is a standard, legitimate standard—the two States that received the weakest return were South Carolina and Georgia.

It is my understanding that the provision we are now talking about has a floor of 90—

Mr. WARNER. Ninety and a half.

Mr. COVERDELL. And a half.

Mr. WARNER. That is correct.

Mr. LOTT. Would the Senator allow me to renew this unanimous consent request?

Mr. WARNER. Yes.

Mr. LOTT. I thank the Senators who are on their feet. I think this will allow everybody to continue in a moment.

#### TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY—CONFERENCE REPORT

Mr. LOTT. I ask unanimous consent again, Mr. President, the Senate proceed to the ISTEA conference report notwithstanding the receipt of the papers and the reading being considered dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. I would suggest perhaps we could make the unanimous consent request subject to the circumstances that are now being discussed with the Senator from Oregon and the Senator from Massachusetts, that assuming that those two matters could be worked out, that no additional unanimous consent requests would be in order.

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the ISTEA conference report, notwithstanding the receipt of the papers, and it be in order for me to ask for the yeas and nays on the adoption of the conference report, and, further—

Mr. WYDEN addressed the Chair.

Mr. LOTT. Let me complete my request. And, further, I ask unanimous consent that if the House passes the identical text, the vote be considered as having occurred on the conference report. I further ask unanimous consent that this agreement be null and void only by the Senator from Oregon, Senator WYDEN, within the next 5 minutes.

Mr. HARKIN. I object.

Mr. LOTT. I renew the same request with the exception of Senator WYDEN and the Senator from Iowa.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WYDEN. Mr. President, in response to the majority leader's request for unanimous consent to proceed to the conference report on ISTEA without having all of the conference report papers in hand, I must withhold my consent until I have had the opportunity to review the sections of the report relating to important funding and project matters for Oregon. It is not my intent to delay final action on this major piece of legislation; however, I want to be assured that commitments that have been made are reflected in fact in the conference documents.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2400), have agreed to recommend and do recommend to their respective Houses this report, signed by majority the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of May 22, 1998.)

Mr. WARNER. Mr. President, I now ask for the yeas and nays on the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. I thank the Chair.

Mr. President, the Senator from Georgia was posing a question to the Senator from Virginia.

Mr. COVERDELL. In essence, I was asking if the conference report—the floor was 90, so that although South Carolina was getting 71 cents back and Georgia 74, we could expect, if this were to pass, 90.5 cents?

Mr. WARNER. Mr. President, the Senator from Georgia is correct. And I must say that it was only because of the efforts of the Senator from Georgia, the Senator from South Carolina, and all in the donee-donor dispute—the donor States bonded together. I thank the Senator for his help, because without it we could not have achieved this result.

Mr. COVERDELL. One more comment. There are still donor States, so there is in this agreement a recognition of special circumstances, distances, rural areas, or other infrastructures. There is still a subsidy that occurs, some of it legitimate.

Mr. WARNER. Mr. President, the Senator is correct. There are certain programs, like the Federal Lands Program, certain environmental programs, to which all the States contribute. The Senator is correct.

But the major achievement is the floor, which is a floor that puts us in range with almost all the other States of significant size. For instance, the smaller States, there are 13 small States. That was the second building block that the Senator from Virginia put together to formulate this bill months ago. It seems so long ago now. The distinguished Senator from Montana was a key player in that, Senator GRAHAM of Florida, and we put this together.

Indeed, I would like to acknowledge the participation by the Governors of these various States, the donor States, and the small States, and their various highway representatives.

So that was the nucleus, the engine that began to take this bill down.

Mr. COVERDELL. I won't interrupt the Senator's speech, but I take this